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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197652
Party	Plaintiff Jarritos, Inc.
Correspondence Address	Christine Lebron Dykeman McKee, Voorhees & Sease, P.L.C. 801 Grand Ave. Suite 3200 Des Moines, IA 50309 UNITED STATES mvslit@ipmvs.com
Submission	Motion to Consolidate
Filer's Name	Christine Lebron-Dykeman
Filer's e-mail	mvslit@ipmvs.com
Signature	/Christine Lebron-Dykeman/
Date	01/14/2011
Attachments	Motion to Consolidate.pdf (3 pages)(93702 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JARRITOS, INC., Opposer, v. CARLOS GARCIARCE RAMIREZ, Applicant.	Opposition No: 91197652 In the matter of: Application No: 77/949,564 Mark: JARRO FRUT Published in Official Gazette on: August 3, 2010
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MOTION TO CONSOLIDATE

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

COMES NOW Opposer, Jarritos, Inc., and hereby moves to consolidate Trademark Opposition Nos. 91197652 and 91198131. Both of these opposition proceedings involve the same parties and essentially the same legal issues. As a result, under TBMP § 511 and Federal Rule of Civil Procedure 42(a), consolidating these opposition proceedings before the Board will result in substantial savings in time, effort, and expense, both for the Board and the parties, with minimal prejudice or inconvenience.

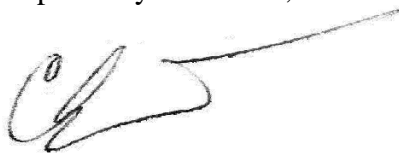
The underlying factual issue in each of these opposition proceedings is Opposer's right to protect its family of marks incorporating the term "Jarritos". Because this same factual issue is central to each of the opposition proceedings, consolidation of each of these proceedings will result in substantial time and expense savings, as it will be unnecessary to serve duplicate discovery and file duplicative motions in each individual opposition proceeding. Further, neither party will be prejudiced by such consolidation, as these proceedings are still in their infancy.

Rather, the parties will benefit from the reduction in duplicative effort. Accordingly, it will be beneficial to both the parties and the Board to consolidate these proceedings, and the Board should exercise its discretion to do so.

Additionally, the parties have engaged in settlement discussions in the present Opposition No. 91197652 and subsequently requested an extension of time for Applicant to answer the Opposition. As previously stated, these oppositions involve essentially the same legal issues and as a result any settlement discussions and/or agreements will likely involve both oppositions. If the Board does not consolidate the oppositions Opposer respectfully requests the Board extend Applicant's deadline to answer Opposition No. 91198131 from February 19, 2011 to the current deadline of March 11, 2011 set in this Opposition No. 91197652.

Accordingly, Opposer hereby respectfully requests that its motion to consolidate be granted, and that Trademark Opposition Nos. 91197652 and 91198131 be consolidated before the Board, setting the deadline for Applicant to answer to March 11, 2011.

Respectfully submitted,



Christine Lebrón-Dykeman
Bradley J. Powers
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309-2721
Phone: 515-288-3667
Fax: 515-288-1338
Email: christine.lebrondykeman@ipmvs.com
Email: brad.powers@ipmvs.com
Email: mvslit@ipmvs.com
ATTORNEYS FOR OPPOSER, JARRITOS, INC.

CERTIFICATE OF FILING

I hereby declare that the foregoing document has been filed via the Electronic System for Trademark Trials and Appeals (ESTTA) this 14th day of January, 2011.



CERTIFICATE OF SERVICE

I hereby declare that the foregoing instrument was served upon the following this 14th day of January, 2011, via:

- ☒ 1st Class U.S. Mail
- ☐ Facsimile
- ☐ Email (.pdf)

- ☐ Federal Express
- ☐ Hand Delivery
- ☐ Other _____

Susan Okin Goldsmith, Esq.
DUANE MORRIS LLP
744 Broad Street
Newark, NJ 07102
Phone: 973-424-2064
Email: sogoldsmith@duanemorris.com